Tunney Says Kleindienst Used Deception

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Sen. John V. Tunney (D-Calif.) charged yesterday that Attorney General-designate Richard G. Kleindienst deliberately deceived the public about an investigation of the U.S. attorney in San Diego.

Tunney, in his strongest statement yet opposing the confirmation of Kleindienst for the Cabinet post, said the nominee was "derelict in his duty" when he cleared U.S. Attorney Harry D. Steward of any wrongdoing in the quashing of a grand jury subpoena to a close friend and political ally.

The Californian also chastised his colleagues on the Senate Judiciary Committee for closing the hearing on the Kleindienst nomination before calling more witnesses on the Steward affair.

The record of the hearings, Tunney said, is "a disgrace" which "makes a mockery of the public's right to the truth."

Kleindienst and Assistant Attorney General Henry Petersen, testifying before the committee last month, acknowledged that Steward had quashed the subpoena to Frank Thornton during an investigation of illegal contributions to President Nixon's 1968 campaign.

But the Justice Department officials insisted that while Steward was guilty of "highly improper" conduct at the time, he committed no wrongdoing serious enough to require his dismissal as U.S. attorney.

Steward himself, when he testified, denied that his conduct had been at all improper and said that if the circumstances were to recur he would handle the Thornton matter in exactly the same way.

He denied the allegations of three federal agents that he had told them when he quashed the subpoena that he was doing so because Thornton had arranaged his appointment as U.S. attorney and was helping him to obtain a federal judgeship.

Tunney, in his 20-page "individual views" on the nomination yesterday, said "there is no indication that Kleindienst ever took any action against Steward, even a mild admonishment, after his staff recommended such action."

Charging that the White House had taken a direct interest in the Steward affair, Tunney suggested that the Thornton subpoena was stopped because a federal organized crime task force had uncovered a complex system of illegal campaign contributions to Republican candidates.

Tunney alleged that the system invlovlved disguising the contributions by corporations as business expenses and channeling them through an advertising agency controlled by C. Arnholt Smith, a San Diego millionaire who is a long-time supporter of President Nixon.

In other individual views on the Kleindienst nomination released yesterday, Sen. Philip A. Hart (D-Mich.) said that despite an "inevitable shadow" over the nominee, he should not be denied confirmation by the Senate.

Hart said he "might feel differently" if the Senate were faced with the appointment of Kleindienst to a lifetime position, such as a Supreme Court judgeship.

Despite an "atmosphere of pressue," said Hart, he is convinced that the Justice Department's settlement of three antitrust suits against the International Telephone and Telegraph Corp. was not connected to ITT's pledge of at least $200,000 to try to bring this year's Republican National Convention to San Diego.